

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

THERESA ONYA,

Petitioner,

v.

MERRICK GARLAND, United States  
Attorney General; Alejandro Mayorkas,  
Secretary of U.S. Department of Homeland  
Security; Tracy Renaud, Senior Official  
Performing the Duties of the Director of  
U.S. Citizenship and Immigration Services;  
Nathalie Asher, Seattle ICE Field Office  
Director, Michael Paul, Field Office  
Director of the USCIS Vermont Service  
Center,

Respondents.

No. 2:21-cv-00486-RAJ

ORDER

**I. INTRODUCTION**

This matter comes before the Court on Petitioner’s Emergency Motion for Temporary Restraining Order and Stay of Removal. Dkt. # 2. On the evening of April 9, 2021, Petitioner Theresa Onya (“Ms. Onya”) moved the Court to issue an *ex parte* emergency order staying her deportation and preventing transfer to another detention center pending a determination on both her request for a stay of removal and a determination of whether she has a bona fide application for a T-Nonimmigrant Visa. *Id.* at 3. The Court granted this motion. Dkt. # 3. Later that night, Federal Respondents-

1 Defendants (the “Government”), represented by the Acting United States Attorney for the  
2 Western District of Washington, filed a notice of intent to oppose the motion for a  
3 temporary restraining order pursuant to Local Rule 65(b)(5) of the Western District of  
4 Washington. Dkt. # 6. They noted however that they had not yet received formal  
5 service. *Id.*

6 On April 12, 2021, the Court contacted the parties and all parties agreed to hold a  
7 hearing on the motion on April 15, 2021 at 10:00 a.m. However, although Petitioner has  
8 filed affidavits regarding service of the summons and complaint, the Court finds that, as  
9 of today, there is no proof that the Government has been served with both the complaint  
10 and the motion for temporary restraining order. Dkt. ## 18, 19. Local Rule 65(b)(5)  
11 requires that the adverse party to a temporary restraining order file a response within  
12 forty-eight hours after the motion is served. Local Rules W.D. Wash. LCR 65(b)(5). In  
13 the absence of proof that both the complaint and motion have been served, the Court  
14 postpones the hearing to April 23, 2021 at 9:00 a.m. The Court orders the Government  
15 respond to the motion within forty-eight hours after it is served.

16 DATED this 14th day of April, 2021.

17   
18 The Honorable Richard A. Jones  
19 United States District Judge  
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